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6 Attorneys for Plaintiff  
7 United States of America

8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA, )  
11 Plaintiff, )  
12 v. )  
13 ONE 2002 MERCEDES BENZ C32, )  
CA LICENSE NO. 5WFJ559, )  
14 VIN WDBRF65JX2F226748, )  
ITS TOOLS AND APPURTENANCES, )  
15 Defendant. )  
16

Civil **08 CV 0035 DMS WMC**

EX PARTE MOTION TO APPOINT  
THE U.S. MARSHAL  
AS CUSTODIAN

17 COMES NOW the plaintiff, United States of America, and moves this Court for an exception  
18 to General Order 273 issued by this Court, that is, for an order appointing the United States Marshal as  
19 custodian of the defendant vehicle upon execution of the warrant of arrest in rem. In support of this  
20 motion, plaintiff states as follows:

- 21 1. The United States Marshals Service has been staffed with personnel experienced in  
22 providing for the management of properties such as the defendant vehicle in this case.
- 23 2. The United States Marshal has consented to assume responsibility for the protection and  
24 safety of the defendant vehicle during the period the same remains in custodia legis.
- 25 3. The continued custody of the United States Marshal following execution of the warrant  
26 of arrest in rem is necessary and in the best interests of the plaintiff in this case.
- 27 4. It is further requested that all reasonable expenditures incurred by the United States  
28 Marshal be a first charge against the defendant vehicle.

FILED

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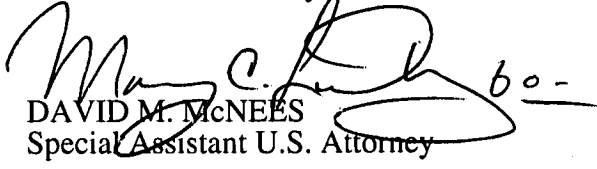
CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY KWH DEPUTY

1 WHEREFORE, plaintiff respectfully requests that an exception to General Order No. 273 be  
2 permitted in this case and that this motion be granted.

3 DATED: January 7, 2008

4 KAREN P. HEWITT  
United States Attorney

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6 DAVID M. McNEES  
7 Special Assistant U.S. Attorney  
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